

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

FILED BY *16* D.C.

05 DEC 22 PM 4:33

CURTIS L. BYRD, JR.,

Plaintiff,

vs.

LESLIE I. BALLIN, et al.,

Defendants.

X  
X  
X  
X  
X  
X  
X  
X  
X  
X

No. 04-2998-D/P

THOMAS M. GOULD  
CLERK, U.S. DISTRICT COURT  
WESTERN DIVISION

ORDER DENYING MOTION FOR LEAVE TO CONDUCT LIMITED DISCOVERY

On January 18, 2005, plaintiff Curtis L. Byrd, Jr. filed a motion to conduct limited discovery to enable service on defendants Sheila Burnett, Latoria Johnson, and Patricia Cook. Defendant Ballin filed a response in opposition to this motion on January 21, 2005,<sup>1</sup> and plaintiff filed a reply, without leave of Court, on January 24, 2005.<sup>2</sup>

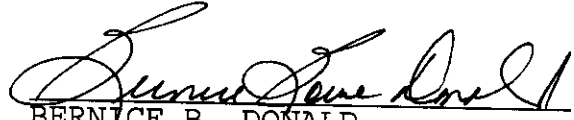
<sup>1</sup> It is difficult to understand why defendant Ballin has taken it upon himself to respond to this motion, which does not effect his interests in the least, and which is necessary only because of the local rule limiting the issuance of summonses to pro se litigants. Because the defendants who have appeared in this action have no perceptible legal interest in whether process issues for codefendants on unrelated counts, the requirement of a certificate of consultation has no logical relevance to this motion. In the future, it is to be hoped that this defendant will refrain from filing needless motions.

<sup>2</sup> In an order issued on February 4, 2005, the plaintiff was cautioned not to file further reply briefs without leave of Court. 02/04/05 Order at 2 n.3.

*84*

In a separate order, the Court dismissed the complaint with respect to these defendants for failure to state a claim on which relief may be granted. Accordingly, this motion is DENIED as moot.

IT IS SO ORDERED this 22 day of December, 2005.

  
BERNICE B. DONALD  
UNITED STATES DISTRICT JUDGE



## Notice of Distribution

This notice confirms a copy of the document docketed as number 84 in case 2:04-CV-02998 was distributed by fax, mail, or direct printing on December 27, 2005 to the parties listed.

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Honorable Bernice Donald  
US DISTRICT COURT